

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION**

UNITED STATES OF AMERICA	§	
	§	
v.	§	CRIMINAL ACTION NO. 4:11-CR-248-
	§	ALM-CAN
RODNEY DSHANE MAYO (1)	§	

**REPORT AND RECOMMENDATION  
OF UNITED STATES MAGISTRATE JUDGE**

Now before the Court is the request for revocation of Defendant Rodney Dshane Mayo's ("Defendant") supervised release. This matter was referred to the Court for a report and recommendation, and the Court conducted a hearing on March 27, 2023, to determine whether Defendant violated his supervised release. Defendant was represented by Mike Pannitto of the Federal Public Defender's Office. The Government was represented by Assistant United States Attorney Maureen Smith.

Defendant was sentenced on July 11, 2014, before The Honorable Richard A. Schell of the Eastern District of Texas after pleading guilty to the offense of Conspiracy to Possess with Intent to Distribute Heroin, a Class B felony. This offense carried a statutory maximum imprisonment term of 40 years. The guideline imprisonment range, based on a total offense level of 31 and a criminal history category of VI, was 188 to 235 months. Per a binding plea agreement for departure, Defendant was subsequently sentenced to 84 months imprisonment followed by a 5 year term of supervised release subject to the standard conditions of release, plus special conditions to include financial disclosure; substance abuse testing and treatment; mental health treatment; compliance with medication regimen; a \$100 special assessment, and a 5-year term of federal benefits ineligibility. On September 21, 2020, Defendant completed his period of imprisonment and began service of the supervision term. On January 28, 2020, this case was reassigned to The

Honorable Amos L. Mazzant, III, U.S. District Judge for the Eastern District of Texas. On June 11, 2021, the original term of supervised release was revoked and sentence imposed of 18 months imprisonment followed by a 24-month term of supervised release. On November 10, 2022, Defendant commenced the current term of supervised release.

On December 12, 2022, the United States Probation Officer executed a Petition for Warrant or Summons for Offender Under Supervision [Dkt. 1607, Sealed]. The Petition asserts that Defendant violated six (6) conditions of supervision, as follows: (1) You must not commit another federal, state or local crime; (2) You must not commit another federal, state or local crime; (3) You must refrain from any unlawful use of a controlled substance; (4) After initially reporting to the probation office, you will receive instructions from the court or the probation officer about how and when you must report to the probation officer, and you must report to the probation officer as instructed; (5) You must follow the instructions of the probation officer related to the conditions of supervision; and (6) You must live at a place approved by the probation officer. If you plan to change where you live or anything about your living arrangements (such as the people you live with), you must notify the probation officer at least 10 days before the change. If notifying the probation officer in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change [Dkt. 1607 at 1-3, Sealed].

The Petition alleges that Defendant committed the following acts: (1) On December 11, 2022, Defendant was arrested on-site by Plano Police Department for committing the offense of Assault Causing Bodily Injury-Family Member, a Class A Misdemeanor. Elements of the offense are unknown as the offense report has not yet been prepared and received by the probation officer. As of this writing, bond has not yet been imposed. Per website of the Collin County Detention

Center, McKinney, Texas, Defendant remains in custody on this pending offense; (2) On November 26, 2022, Defendant was arrested by McKinney Police Department for committing the offense of Public Intoxication. Per the offense report, on November 26, 2022, Defendant left Medical City Hospital-McKinney, Texas, against advice of physicians. He returned to the hospital approximately twenty minutes later partially clothed, bearing none of his original belongings, behaving in an erratic, paranoid manner, and hallucinating, as he advised police officers that he was being bitten by items crawling on his person. Defendant advised he'd been poisoned and vomited throughout this contact with law enforcement. Defendant was arrested and transported to Collin County Detention Center, McKinney, Texas, where he was later released this same date. While being booked into custody, Defendant informed officers that he used methamphetamine on November 25, 2022. An imposed fine of \$391 remains outstanding in the McKinney, Texas Municipal Court; (3) On November 29, 2022, Defendant reported to the U.S. Probation Office and submitted a urine sample which tested positive for methamphetamine and marijuana. Defendant verbally admitted to smoking marijuana and ingesting an Adderall tablet within the previous 24 hours. Defendant does not have a prescription for Adderall. Upon the urine specimen being sent to Abbott Laboratory, results were confirmed positive for methamphetamine; (4) (5) On November 21, 2022, the probation officer instructed Defendant to report to the U.S. Probation Office-Plano, on November 28, 2022, at 9:00am, Defendant arrived several hours late for this appointment. Upon submitting a urine specimen which produced presumptive positive methamphetamine results, the probation officer instructed Defendant to wait in the lobby in order to attain required documents. Defendant left the U.S. Probation Office prior to meeting with the probation officer, thereby failing to follow the instructions of the probation officer and report as instructed. Additionally, on November 29, 2022, the probation officer instructed Defendant to

report to the U.S. Probation Office-Plano, on December 1, 2022, at 9:00am. Defendant reported approximately three hours late, then proceeded to leave the U.S. Probation Office prior to meeting with the probation officer. Defendant failed to follow the instructions of the probation officer and report as instructed; and (6) Since commencing supervised release on November 10, 2022, Defendant has not provided the probation officer an address in which he has lived or plans to live. Our office is unaware of his residency, as Defendant has not informed the probation officer of his living arrangements [Dkt. 1607 at 1-3, Sealed].

Prior to the Government putting on its case, Defendant entered a plea of true to allegation 3 of the Petition. The Government dismissed allegations 1, 2, 4, 5, and 6 of the Petition. Having considered the Petition and the plea of true to allegation 3 of the Petition, the Court finds that Defendant did violate his conditions of supervised release.

Defendant waived his right to allocute before the District Judge and his right to object to the report and recommendation of this Court [Dkts. 1619; 1620].

### **RECOMMENDATION**

Pursuant to the Sentencing Reform Act of 1984, the Court recommends that Defendant's supervised release be revoked and that he be committed to the custody of the Bureau of Prisons to be imprisoned for an additional term of imprisonment of twenty-one (21) months, with no term of supervised release to follow.

The Court also recommends that Defendant be housed in the Bureau of Prisons facility with mental health treatment, specifically FCI Butner, if appropriate.

**SIGNED this the 12th day of April, 2023.**

  
Christine A. Nowak  
UNITED STATES MAGISTRATE JUDGE